

Apartment Living, Inc

Tenant Selection Plan & Procedures

Project Eligibility

I. Project eligibility will be determined based on the following criteria:

- 1) Physical disability
- 2) Developmentally disabled
- 3) Chronically mentally ill

II. Marketing

a) Advertising

Apartment Living subsidized apartments are advertised via the AspireIndianaSM internet, www.aspireindiana.org. Likewise, St. John's Hospital, Richmond State Hospital and Community Hospital serve as referring agencies. These agencies refer individuals via letter correspondence or face-to-face through an AspireIndianaSM liaison staff member. All our advertising includes the required Equal Housing logo and wording. Any advertising will also provide office location, hours of operation, and contact person.

b) Waiting Lists

Individuals will be placed on the waiting list according to the date and time the application is received. We do place all complete applications on a waiting list and will accept applications until we feel the list must be closed. In the event the waiting list is closed, individuals or referral agencies will be notified immediately as requests are made to the Housing Agent. We will also contact our referral agencies prior to reopening our waiting list.

1. Transfer of existing tenants to available units will be handled accordingly:

- An existing tenant requesting a transfer to an available unit will be put on a waiting list and will only be transferred if his/her request is made in advance and is received prior to placing an individual's application on the current waiting list based upon the

need of occupancy and only if the property is currently in compliance with the QHwRA income-targeting program.

- **Reasons accepted for transfers.**

- (1) A desire or need for a bigger or smaller unit.
- (2) Tenant becomes disabled with a need for a handicap unit.

c) Preferences

40% of all admissions during the fiscal year will be applicants with extremely low income. Income of current tenants will be review quarterly to maintain this percentage. If the applicant does not have extremely low income and percentage has not been met then the applicant will be passed over for another applicant whose income does meet the criteria of extremely low income. Once the required percentage has been meant then the applicant whose income is very low will be admitted.

III. Tenant Selection

a) Applications can be obtained weekdays in accordance with the posted office hour's schedule. Applications can be mailed to prospective tenants if requested by calling the office of the property manager during the posted hours or by leaving a voice mail with name, address and telephone number. All completed applications are placed on the waiting list listing date and time completed as well as unit size required. The site may keep separate sub lists for unit sizes if it so desires. At time of application, management will explain to applicant about the waiting list as well as to report any changes as they occur and to report to rental office at least every six months to update the application. The site will select applicants from its waiting list on a first come, first serve basis in accordance with Federal guidelines.

****NOTE**** Completed applications are those that have all required signatures, social security cards, birth certificates, income and asset information as well as landlord names, and addresses.

b) In compliance with Section 504 and the Fair Housing Act, the owner does not discriminate on the basis of race, color, religion, sex, disability, familial status, or national origin.

c) In addition, owner will assist in providing "reasonable accommodations" to persons with disabilities provided that is does not result in an undue financial and administrative burden.

d) Based upon disabilities, effective communication between tenant and owner will be addressed according to the need of the tenant.

e) Referral agency will provide written documentation indicating the disability and need for accommodation. Preference will be given to existing tenants that are waiting for an accommodating unit.

f) Our Affirmative marketing plan indicates that all possible tenants are referred by referral agencies and are not discriminated against based on Section 504.

g) Families at or below the very low-income limit are eligible for assistance.

IV. Procedures for Applying for housing:

All persons/families interested in housing/subsidy at the complex must comply with the following requirements to be considered an applicant for housing/subsidy:

a) Disclosure for social security numbers, based upon 24 CFR 5.216 Disclosure and Verification of Social Security and Employer Identification Numbers, requires that all new applicants and participants must provide proof of a valid social security number. Applicants must comply before admission. Applicant may remain on the waiting list even if other household members have not submitted social security numbers. However, the otherwise eligible household may not be deemed eligible until all household members have submitted a valid social security number and acceptable verification that the social security number is correct. The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90-day period, the applicant may, at its discretion, retain its place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.

1. All U.S. citizens or Nationals are required to complete and sign a declaration of citizenship and provide acceptable supporting documentations such as:

- Birth Certificate
- Naturalization certificate
- Valid Passport

2. Non-citizens, under the age of 62, claiming eligible status are required to complete and sign:

- A declaration of eligible immigration status
- A consent form
- Submit one of the DHS approved documents
Form I-551 permanent, Form I-94, Form I-688, Form I-688B, Form I-551 or other acceptable evidence as determined by the DHS as published in the Federal Register

Since this DHS list contains several specific annotations, please see last page attached

3. Non-citizens, 62 years or older, are required to complete and sign a declaration of eligible status and supply proof of age:

- Birth Certificate
- Baptismal Certificate
- Census document showing age
- Social Security Administration Benefits printout
- Any DHS document that provides a full birth date/year

Since this DHS list contains several specific annotations, please see last page attached.

Applicants must submit this documentation of citizenship/immigration status no later than the date regarding verification of other eligibility factors. At least one family member must be eligible for assistance at the time of admission.

- b) On January 27, 2009 (74 FR 4832), HUD published a final rule, entitled “Refinement of income and Rent Determination Requirements in Public and Assisted Housing Programs” (Final Rule). The Final Rule revised HUD’s public and assisted housing program regulations to implement the upfront income verification process for program participants and to require the use of HUD’s Enterprise Income Verification (EIV) system by management agents. All participants’ income will be verified against the EIV system.
- c) List landlords with complete addresses.
- d) Ability to live, occupy and function independently in the housing environment offered. With the understanding, the tenant or member assumes the risk and responsibility of living independently within and upon the premises, and to be able to independently vacate the premises if an emergency arises. The applicant must determine this.
- e) All adult members of the household must sign all appropriate forms with the application. Failure to sign any part of the application and or attachments will result in an incomplete application and thus not placed on the waiting list.
- f) The household must be either (1) a family, or (2) a single person that is eligible.

As apartments become available and the applicant’s name moves up the list, Management will send a letter out to the listed address stating that an apartment may be available. This notice will give the applicant 10 calendar days to come to the Rental Office to begin processing of the application. If the applicant fails to respond, their name will be removed from the waiting list giving opportunity for the next applicant to be processed. At time of processing, applicant and all other adult members of the household will sign all appropriate releases to begin processing. If the applicant wishes not to be considered at this time, they must request in writing the reasons, such as medical problems, financial inability to move at the current time, and need for a handicap unit when none is available and the applicant cannot afford to pay for reasonable modifications to the unit to make unit accessible.

V. Screening/Rejection Criteria:

A. Acceptance

An applicant must meet the following criteria to be accepted as a tenant:

- 1) the household must be either (a) a family, or (b) a single person that is eligible for the appropriate size unit.
- 2) The household's annual income may not exceed the applicable income limit of HUD's definition of very low to extremely low income and the household must need the subsidy.
- 3) The applicant must be willing to pay the rent calculated using the HUD 4350.3 guidelines.
- 4) The unit must be the family's only residence.
- 5) Unit size standards set by HUD and for state or local law must be followed.
- 6) Owner/Agent will utilize the "Existing Tenant Search" located within the EIV program to determine whether an applicant or any applicant household members are currently being assisted at another Multifamily Housing or Public and Indian Housing (PIH) location.
- 7) The applicant meets the eligibility requirements for the specific unit. (Handicap unit, elderly, etc.)

B. Reason for Rejections

An applicant may be rejected for the following reasons:

- 1) Applicant developmentally disabled or other special designated facility and by program definitions, the applicant does not qualify.
- 2) Household income (using the appropriate guidelines for income) is over the applicable income limit published by HUD for the household size.
- 3) Verified poor or unsatisfactory housekeeping habits. If a landlord verification is questionable, such as they contradict themselves, or were a relative to an ex-family member, ex-spouse or the landlord failed to meet their obligations and this can be documented, then we will look at other landlord responses. If the applicant has never rented then we will put more weight on personal references.
- 4) Submission of false information, untrue information or failure to report information to determine eligibility on your application. All applicants shall be required to provide complete and accurate information and execute all forms required by management to determine eligibility and other factors affecting residency. Information requested by management must be provided in a ten day time period. Failure or refusal to comply with the management is grounds for denial.
- 5) Negative references from previous landlords or failure to list previous landlords as required.
- 6) Inappropriate household size for the unit. Our "General Occupancy Policy" section V, will be used to determine unit size needed.
- 7) Failure to sign designated or required forms and/or documents upon request and within the time frame allotted.

8) Any applicant that has been evicted from a federally assisted housing program within three years for drug-related or criminal activity will be rejected.

9) Applicant has a pet that does not conform to our pet policy. We do not consider assisted animals as pets in accordance with the fair housing laws, and section 504 regulations.

10) Negative reports from any law enforcement agency. Types of negative reports would be items such as but not limited to the following:

- a) Conviction of a felony by any person listed on the application. We may also deny for charges outstanding and waiting to be considered. If we deny based on these terms and the charges are dismissed, then we could reconsider the application.
- b) Violent criminal activity of any member listed on the application with attempted use or threatened use of physical force against another person or the personal property of another person.
- c) Any conviction of an act that would be detrimental to the community. Actions such as abusive or threatening language, hate crimes, arson, breaking and entering, child abduction or child molestation, and sex offenders that are subject to a state lifetime sex offender registration program.
- d) Any drug-related activity whereby individuals currently using illegal drugs or whose abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. These may be defined as the manufacturing, sale or use, or distribution, or possession with intent to manufacture, sell, use or distribute a controlled substance (as defined in the Controlled Substance Act). Any drug-related act that falls into our Drug Free Policy as posted in the Rental Office. ****Note:** Consideration will be given to those individuals that can provide documented proof that they (a) have an addiction to a controlled substance, has a record of such impairment; (b) has recovered from such addiction as evidenced by completion of at least one year of an addiction program, and does not currently possess or use a controlled substance.
- e) Conviction of the applicant or persons listed on the applicant for the possession of an unregistered firearm or possession of an illegal weapon.
- f) History of disrupting the livability of former communities.
- g) Documented adverse action or problems at this complex. This applies to actions as a guest of any tenant or if ever asked to leave the premises for causing a disturbance. Any applicant determined to be ineligible shall promptly be notified by management in writing of such determination with the reasons stated, and explaining his/her rights to appeal within 14 calendar days after sent via certified mail of the notice of ineligibility. An informal hearing with management will be held in the event applicant has appealed. Management will notify applicant in

writing of a decision from that meeting within five business days. Management and Owner will at all times prescribe to all Federal Laws forbidding discrimination based on race, color, creed, religion, sex, age, familiar status, or national origin.

VI. Final Student Eligibility Ruling

Determining the Eligibility of Students who are Head or Co-head of a Household require:

- The individual must be of legal contract age under state law.
- The individual must have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or the individual meets the U. S. Department of Education's definition of an independent student. (See the Glossary of HUD Handbook 4350.3 REV-1 for definition of independent student)
- The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.
- The individual must obtain a certification of the amount of financial assistance that will be provided by parents, guardians or others signed by the individual providing the support. This certification is required even if no assistance will be provided. The financial assistance provided by persons not living in the unit is part of annual income that must be verified to determine eligibility and at annual recertification to determine rent.
- Owners will need to determine if students are eligible for assistance as required by Paragraph 3-16. Evidence of a separate household is determined by review and verification of previous address information. Review prior year income tax returns to verify if a parent or guardian has claimed the student as a dependent. Verify income provided by a parent, guardian or others by requiring a written certification by the individual providing this support. A certification is also required if the parent or guardian is providing no support to the student.

Additional Information

The Final Rule requires that if a student is enrolled at an institution of higher education, is under the age of 24, is not a veteran, unmarried and does not have a dependent child, is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005, or the student's parents are, individually or jointly, ineligible for assistance would not be eligible for section 8 assistance. Unless the student is determined independent from his or her parents, as discussed in this guidance, the eligibility of a student seeking

Section 8 assistance will be based on both the student and the parents being determined income eligible for section 8 assistance.

Under the new law and HUD's rule, the eligibility of a student seeking section 8 assistance will be examined along with the income eligibility of the student's parents. Both the student's income and the parents' income must be separately assessed for income eligibility. Additionally, the financial assistance of the student in excess of tuition will be included in annual income when determining the student's eligibility for section 8 assistance, unless the student is over the age of 23 with dependent children, and for rent calculation purposes as addressed in Section II, E of this notice. The new law and rule focus on a student under the age of 24 who meets the additional requirements of Section 327 of the Act and who is not residing in a section 8 assisted unit with his or her parents, but who is seeking on his or her own to reside in a section 8 assisted unit. The new law and rule do not apply to students residing with their parents in a section 8 assisted unit or who reside with parents who are applying to receive Section 8 assistance. (See definition of "parents" in Appendix A of Docket FR-5036-N-02.)

VII. General Occupancy Policy Unit Sizing

Our complex will use the recommended General Occupancy Guidelines as per the HUD 4350.3 Handbook Section 2-28

The general sizing of our units will be as follows:

#Of Persons Minimum	Maximum	Suggested Unit Size
1	2	1 bedroom
2	4	2 bedroom

Sizing of units will consider the following:

1. Children of the same sex may share a bedroom
2. No more than 2 persons will be required to share a bedroom.
3. Unrelated adults and persons of the opposite sex (other than spouses) would not be required to share a bedroom.
4. A child may share a bedroom with a parent if the parent so wishes, often depending on the child's age. This is, however a decision to be made by the parent.
5. Children of opposite gender may be allowed to share a bedroom. When the oldest of the children is of public school age, they may be allowed to obtain a separate bedroom if one is available.
6. Space is to be allowed for unborn children.

7. Bedroom space will also be allowed for children who are away at school, but who live with the family during recesses and breaks.
8. Space will be allowed for live-in attendants where the need is properly documented.
9. Space will be allowed for children who live in the unit at least 50% of the time and such can be documented.
10. Space will be counted for foster children.
11. Other bedroom space may be provided in accordance with Fair Housing Act and Section 504 whereas a household member has medical equipment or other needs that will need an additional bedroom to house it. This of course must be documented in an appropriate manner.

Every effort will be made to accommodate the overall needs of all household with the available space. Our policy may change in accordance with State and local codes or where the management and owner all agree that the change is best for the complex and the family and that such change is not against any HUD or other government requirements or codes.

The owner and / or management may consider the following upon agreement of all parties involved:

SMALLER UNITS

A smaller size unit may be assigned provided:

- There are no correct size units available, and
- All parties agree that when the appropriate size is available that the household agrees to transfer at it's own expense, to the right size unit when one becomes available.

LARGER UNITS

A larger unit may be assigned to an eligible household if

- No eligible suitability sized household is available to occupy with-in 60 days;
- The complex has an appropriate sized unit that household can move to eventually; and
- The household agrees to transfer, at it's own expense, to the right size unit when one becomes available.
- A larger size unit may be assigned if a household provides medical certification of such a need.

VIII. Occupancy

A. Community Room

This complex does have a community room. Hours of operation are as follows:

Sunday-Thursday 8 a.m. – 10 p.m.
Friday-Saturday 8 a.m. - midnight

B. Security Deposits

Security deposits are required upon admission to the unit. The amount of the security deposit to be charged is dependant upon the amount of the TTP (Tenant Total Payment), with a minimum of \$50. All is in accordance with amount stated in the lease and with guidelines as set forth by the HUD 4350.3. Refund of deposit is explained in the lease.

XIV. Temporary Deferral of Termination of Assistance

Assisted families that have no eligible members and those that qualifies only for pro-rated assistance are eligible for temporary deferral of termination of assistance. The initial deferral period is for six months and may be extended for an additional six-month period not to exceed 18 months.

XV. VAWA and Department of Justice Reauthorization Act of 2005

The project supports and protects Section 603 of the law amending Section 5A of the U.S. Housing Act (42 U.S.C. 1437c-1). Any applicant or tenant and members of their immediate families will be supported or assisted if they are a victim of domestic violence, dating violence, sexual assault, or stalking. Not in any way will these victims housing or subsidy be affected due to these crimes.

XVI. Enterprise Income Verification (EIV) Information Policy and Procedure*

- I. EIV is a third party income verification source that ensures the correct benefits (or wages) is linked with the appropriate individuals. Effective January 31, 2010, Office of Housing required properties that provide housing assistance have access to EIV to verify information submitted at time of (re)certification(s).
- II. Those individuals accessing EIV information must follow the policies and/or procedures below:
 - Use EIV information only in the performance of HUD business and do not disclose EIV information in any way that would violate the privacy of individuals.
 - EIV information can only be accessed and reviewed within hardcopy files and only within the Owner/Agent's office.
 - EIV information cannot be transmitted in any form, as well as disclosed to any individual not authorized by HUD.
 - EIV information may be used only for the purpose of an audit.
 - EIV information should only be retrieved, inspected, or used only within the scope of the department's official duties.

- All employees accessing EIV information must sign the “Rules of Behavior for Use of Enterprise Income Verification (EIV) Information form. This form will be placed in the employee’s supervisory file.
- All employees must complete any trainings or certifications necessary in maintaining up-to-date education regarding EIV.
- Protect any and all copies of information retrieved, as well as destroy information in accordance with any HUD established requirement to prevent the reproduction of contents.
- EIV re-verification will be made quarterly for tenants claiming no sources of income.
- All individuals receiving HUD housing assistance must complete the form HUD-9887, Notice and Consent for the Release of Information. This information will be kept on file prior to accessing or reviewing an individual’s confidential EIV information.
 - Those tenants turning 18 and has not signed the form HUD-9887, must complete the HUD-9887 immediately prior to obtaining information via EIV.
 - As soon as tenant turns 18 years of age, he/she will be contacted to complete the HUD-9887 within 30 days. In the case that the 30 days fall past the next recertification, 18 year old tenant will be contacted to complete the HUD-9887 within 7 days first contact was made.
- Applicants and residents will receive the brochure “EIV and You”. Brochures will be provided to individuals selected from the waiting list as well as current residents at time of recertification. A signed copy of acknowledgment will be placed in the tenant file.
- Report incidents or suspected incidents involving EIV information to the HUD National Help Desk at 1-888-297-8689.

III. All Applicants MUST disclose if they are currently receiving HUD housing assistance. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit. HUD provides the owner/agent with information about an applicant’s current status as a HUD housing assistance recipient. The owner/agent will use the Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD assistance.

IV. EIV reporting will be conducting on a monthly basis as well as the time of certification, interim, and recertification of tenants.

- How data will be used:
 - i. At time of admission:
 - 1. **Existing Tenant Search** will be used in EIV as part of the screening criteria for new tenants to determine if the applicant or any applicant household members are currently being assisted at another Multifamily Housing or Public and Indian Housing (PIH) location. Refer to HUD notice H 2010-10.
 - ii. At the time of certification, recertification, or interim:

1. **Employment Income Verification** will be used in EIV as third party verification of employment.
 - 90 days after transmission of a move-in certification to TRACS, this report will be reviewed for confirmation/validation of information provided at time of move-in.
 2. **Income Discrepancy Report** will be used to identify any discrepancies between what has been reported by resident and what EIV has on file.
 - Any income discrepancies discovered will be reviewed with management and compared with any additional information provided by 3rd party verification requests. Within 7 days of non resolution of discrepancy, tenant will be contacted to assist in clarifying such discrepancies.
 3. **Summary Report** provides a summary of information taken from the current, active certification contained in the TRACS file at the time of the income match. It also provides the Identity Verification Status for each household member.
- iii. Monthly (as required by HUD):
1. **New Hires Report** will be generated and compared to current residents to identify those who may be employed, but have not reported it to managing agent.
 2. **Deceased Tenants Report** will be generated and compared to the current resident roster to identify any residents who are listed as deceased.
 3. **Multiple Subsidy Report** will be generated and compared to the current resident roster to identify residents who may be receiving duplicate subsidies from another HUD subsidized property.
 4. **Failed EIV Prescreening Report** will be generated to identify any discrepancies reported at certification or recertification.
 5. **Failed Verification Report** will be generated to identify any discrepancies reported.
- iv. At other times as determined by owner/agent.
- EIV reports will be retained as follows:
 1. The Income Report, the Summary Reports(s) showing Identity Verification Status as “Verified” and the Income Discrepancy report(s) and supporting documentation must be retained in the tenant file for the term of tenancy plus three years.
 2. Any tenant provided documentation, or other third party verification of income, received to supplement the SSA or NDNH data must be retained in the tenant file for the term of tenancy plus three years.
 3. Result of the Existing Tenant Search must be retained with the application:
 - If applicant is not admitted; the application and search results must be retained for three years.
 - If applicant is admitted, the application and search results must be retained in the tenant file for the term of tenancy plus three years.
 4. The master files for the New Hires Report, Identity Verification

Reports, Multiple Subsidy Report and Deceased Tenants Reports must be retained for three years.

5. Owner/Agent will retain the social security benefit reports and the new hires (W-4), wage and unemployment income reports obtained from EIV that are used as third party verification for the term of tenancy plus three years after tenancy is terminated.
- How information will be stored:
 - i. Tenant file-Employment Income Verifications will be located in each tenant file, locked in a file cabinet behind locked office doors.
 - ii. Reports within the EIV Master File-Quarterly reports as indicated above in.
 - iii. ii. Necessary reports will be compiled quarterly in a locked file cabinet, behind locked office doors.
 - As indicated by the above destroy policies, EIV reports will be destroyed by the shredding business of the managing agent.

V. New Repayment Agreements

- The new repayment agreements will include:
 1. The total retroactive rent amount owed, the amount of the lump sum paid at time of execution of the agreement, if applicable, and the monthly payment amount.
 2. Reference the paragraphs in the lease whereby the tenant is in non-compliance and may be subject to termination of their lease.
 3. A clause whereby the terms of the agreement will be renegotiated if there is a decrease or increase in the family's income of \$200 or more per month.
 4. A statement that the monthly retroactive rent repayment amount is in addition of the family's monthly rent payment and is payable to the Owner/Agent.
 5. Late and missed payments constitute default of the repayment agreement and may result in termination of assistance and/or tenancy.
 6. Signatures and dated by the tenant and the Owner/Agent.